

REMARKS

This Preliminary Amendment is filed in connection with a Request for Continued Examination after the prior final office action of November 19, 2002.

A Notice of Appeal was filed on May 19, 2003.

Claims 1, 4 and 5 were previously rejected as being indefinite. These claims have been amended to recite that the internal threads within the adapter are female threads and that the external threads outside of the adapter are male threads.

Claims 1, 4 and 5 were rejected as being anticipated by U.S. Patent No. 6,415,937 of DeJong et al.

Claims 1, 4 and 5 were also rejected as being obvious over DeJong '937.

DeJong '937 shows a bottle adapter formed as "a single contiguous unit" (col. 3, lines 49-50) similar to the present invention in this regard. However, the attachment receiving portion of the adapter is interrupted with multiple threaded concentric rings for different types of nipple attachments. For example, the upper chambers formed by annular wall 52 is interrupted with the upwardly extended wall 54 of inner upper chamber 62.

In addition, inner upper chamber 62 has a venturi type configuration (see Fig. 4). In the present invention, as in amended Claims 1, 4 and 5, the top chamber has a smooth, cylindrical wall as seen in Fig. 3 and the top chamber is uninterrupted. In contrast, DeJong's upper chamber 56 is interrupted by a slanted upwardly extending wall 54 forming a second chamber 62 within top chamber 56. The second chamber 62 is not cylindrical but due to its slanted wall 56, is wider at its bottom.

In addition, the sealing flange in the present invention has completely flat top and bottom surfaces as seen in Fig. 3. In contrast, in DeJong '937, as seen in his Fig. 4, only the bottom surface of the flange is flat. The top surface is at an angle forming a triangular shape.

While the Examiner states that it would be obvious to provide a flat flange instead of the triangular abuted and braced non-flat flange of DeJong '937, this is not true. The braced shape of DeJong's flange 68 reduces the resilience of the flange and therefore would result in less effective sealing with the bottle opening. In addition, the slanted upper walls contribute to interruption of fluid flow in chamber 62.

In view of the differences between the present invention and the art as discussed above, Claims 1 and 4 have been extensively amended to recite these differences.

Claim 1, as amended, recites that the top chamber is uninterrupted, has an inner smooth cylindrical wall and a larger diameter than the bottom chamber. Since the adapter is designed to be used on narrow opening bottles, the larger top chamber provides a reservoir for a smoother flow pattern. In DeJong '937, the upper chamber 62 (see Fig. 4) is venturi shaped and would not be likely to provide the type of flow obtained in the present invention.

Amended Claims 1 and 4 emphasize that the resilient sealing flange is completely flat, with flat top and bottom surfaces. In contrast, the flange of DeJong '937 is only partially flat on its top surface, since it ends with an upwardly slanted annular wall features which are not present in amended Claims 1, 4 and 5.

In view of the foregoing, it is believed that the amended Claims 1, 4 and 5 remaining are drawn to patentable subject matter and should be allowed.

A conscientious effort has been made to place this application in condition for immediate allowance. The Examiner is requested to call the undersigned if further changes are required to obtain allowance of the application.

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09/927,692

A favorable action is solicited.

Respectfully submitted,



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Dated: <sup>Subdy</sup> June 21, 2003